

EXHIBIT H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

- - -
EQUAL EMPLOYMENT : CIVIL NO.
OPPORTUNITY COMMISSION:
and :
KATHY C. KOCH :
INTERVENOR/PLAINTIFF:
v :
L.A. WEIGHT LOSS :
CENTERS, INC. :
Defendant : WDQ-02-CV-648

- - -
NOVEMBER 19, 2004
- - -

Oral deposition of ELAINE
BUSSOLETTI, taken pursuant to notice, was
held at the EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, The Bourse Building, 4th
Floor, Philadelphia, PA, beginning at
9:55 a.m., on the above date, before
Nancy D. Ronayne, a Court Reporter and
Notary Public in the Commonwealth of
Pennsylvania.

- - -
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1 properly run a center, whatever the issue
2 was it was ongoing.

3 Q. But it wasn't a formalized
4 training?

5 MR. LANDAU: Object to the
6 form of the question.

7 MS. QUINLAN: What's the
8 objection?

9 MR. LANDAU: What's the word
10 formalized mean?

11 MS. QUINLAN: I mean I
12 appreciate that you didn't
13 understand the question but unless
14 the witness doesn't understand the
15 question I'm a little confused
16 with your objection.

17 MR. LANDAU: Well I have a
18 right to object to the form of a
19 question if I don't-- I didn't
20 tell her what -- you asked me what
21 my objection was I just objected
22 to the form initially. I think
23 the word is ambiguous and the
24 witness may have understood it and

1 Q. What exactly were you
2 trained at every two weeks at the
3 managers meeting?

4 A. Sales performance, how to
5 better service your clients. You have to
6 understand our business, we're dealing
7 with people and in dealing with people
8 and in dealing with clients you have to
9 know how to properly service them. And
10 you have to know how to problem solve a
11 client. And we're dealing with people
12 who are here trying to lose weight. And
13 they come in to see us three times a week
14 and every time they come in they have
15 needs. We have to be able to service
16 those needs. Maybe they're going to
17 parties and they don't know how to eat.
18 Maybe they -- they're not losing as
19 quickly as they thought they would and
20 they're extremely discouraged.

21 So we have to take into
22 account a lot of different situations.
23 It's ongoing knowledge that you have to
24 learn of how to take care and properly

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1 she can explain it but I'm putting
2 on the record that I thought the
3 question--

4 MS. QUINLAN: So your
5 objection is that it's vague and
6 ambiguous?

7 MR. LANDAU: I didn't say
8 vague, I think the word formalized
9 is ambiguous.

10 BY MS. QUINLAN:

11 Q. At these manager meetings
12 were training materials given out?

13 A. Loraine always had a white
14 board of things that she worked off of,
15 we always took notes on everything that
16 was taken place. We role played, we
17 practiced. I cannot tell you if there
18 was a handout at any given meeting.

19 Q. Aside from talking about
20 different aspects of the business what
21 was the other purpose of the meeting, was
22 it to talk about money or market and
23 things like that?

24 A. No, it was all training.

1 service a client. And the sales aspect
2 of it also. I mean you're not going to
3 sell every person that comes in as much
4 as you would like to do it. When a
5 person comes in they've very, very
6 emotional, and it's an emotional sale.
7 And that takes a long time to learn, I
8 believe it's a specialized sale.

9 You're dealing with a person
10 who got up in the morning, probably went
11 to her closet had absolutely nothing to
12 put on for work. She probably received
13 comments from her family or friends about
14 her weight. She doesn't feel comfortable
15 in her own skin. She's probably tried
16 every diet out there known to man and now
17 she's reaching out to you for help. And
18 when she comes reaching out for help
19 she's not offering it up on a silver
20 platter because she's embarrassed.

21 I mean I've had women tell
22 me they can't even take their kids to the
23 movies anymore because they can't fit in
24 the seats. She's not going to volunteer

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1 that information to me the minute I sit
2 down with her. It's a skill to learn to
3 peel through those layers and be able to
4 connect with the person on an emotional
5 level. And that's the most important
6 part of what we do and that takes ongoing
7 training to be able to master that skill.

8 Q. Okay. So just what I
9 understand, when you had these managers
10 meetings the type of training that you're
11 talking about is the sales aspect and the
12 client service itself, dealing with the
13 client, empathizing with the client,
14 communicating with the client; is that
15 right?

16 A. Not limited to just to that.
17 We have to learn how to do our books or
18 if you don't understand an office
19 procedure or a system of faxing, I mean
20 there's general business that you have to
21 conduct in addition to training while you
22 have everyone together. There's
23 motivational aspects of a meeting where
24 you're going to be recognized for your

1 A. Loraine Whelan.

2 Q. Were you Loraine Whelan's
3 assistant when you were promoted into
4 that position?

5 A. Yes, I was.

6 Q. During the time that you
7 held that position very brief two or
8 three weeks of assistant manager—I'm
9 sorry, of counselor, assistant manager
10 and manager, did you have any hiring
11 responsibilities?

12 A. Not to the best of my
13 knowledge. If Loraine did interviews in
14 my center and it was for someone in my
15 center she would introduce me to the
16 person but I was not responsible for the
17 hiring.

18 Q. Were you responsible for the
19 interview?

20 A. No.

21 Q. Were you required to give
22 approval for the hiring?

23 A. No.

24 Q. In your position as the

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1 performances.

2 Q. So it's your understanding
3 that between the time that you were the
4 manager at Camp Hill and made the
5 assistant manager—the assistant area
6 manager, you had manager meetings every
7 two weeks; is that right?

8 A. I can't say that there was
9 never a time in what we wouldn't have one
10 in two weeks but our policy was to have
11 one every two weeks.

12 Q. When you moved from
13 counselor to assistant manager who
14 promoted you?

15 A. Loraine Whelan.

16 Q. And when you moved from
17 assistant manager to manager who promoted
18 you?

19 A. I'm sorry, did you say —

20 Q. When you moved from
21 assistant manager to manager?

22 A. Loraine Whelan.

23 Q. When you were promoted to
24 assistant area manager who promoted you?

1 assistant area manager did you have any
2 hiring responsibilities?

3 A. Yes, I did.

4 Q. What were those?

5 A. To help in the staffing of
6 the market, to assist Loraine in the
7 staffing of the market.

8 Q. How long were you assistant
9 area manager, from what time period from
10 September 1996 until approximately when;
11 do you know?

12 A. January '97, in and around.

13 Q. What were your duties as
14 assistant area manager?

15 A. In addition to taking care
16 of the Camp Hill center which I still
17 actively manage I would visit the other
18 centers two to three days a week to help
19 them to get up to where they should be.

20 Q. When you say up to where
21 they should be you mean in sales?

22 A. Sales and service. Again,
23 the two go hand in hand in our business
24 because if you don't service the sale,

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1 often.

2 Q. When you say center managers
3 is that something different?

4 A. Than an area manager?

5 Q. No. When you said meetings
6 with center managers did you have a
7 specific training session for center
8 managers?

9 A. At one point in time we
10 decided to let the center managers hire
11 for their staff and then we did do a
12 formal series of meetings and workshops
13 to train them completely.

14 Q. And when was that that you
15 gave the center managers authority to
16 hire for their staff?

17 A. I'm going to -- at some
18 point in the year 2003 we took it back
19 and they no longer do that but there was
20 a brief period where they were allowed to
21 do hiring and we provided training to
22 them at that point.

23 Q. Was that the only training
24 you're aware that center managers

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1 growth with the company. So we did a lot
2 of those types of trainings along the
3 way.

4 Q. As you progressed through
5 the company you obviously had authority
6 to hire certain individuals at different
7 levels?

8 A. Yes.

9 Q. And is it your recollection
10 that the policies or the procedures and
11 policies were never presented in a formal
12 fashion as a training but rather were
13 discussed on occasion at meetings among
14 management officials?

15 A. Not at all. Our area
16 supervisors were well trained in hiring.
17 We used to have any area supervisor
18 training at corporate that Karen taught
19 for all of our new area supervisors. If
20 they couldn't attend we'd do a monthly
21 conference call where Karen put those
22 people on the phone and went through
23 every policy and procedure that we had.
24 And that's started from when they came

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1 received in terms of the hiring?

2 A. Everybody knows our hiring
3 practices and policies--

4 Q. That's not what I asked you.
5 Listen to the question.

6 A. Okay.

7 Q. Other than that instance
8 that you testified to about the training
9 in 2003, are you aware of any other
10 meetings of the center managers for
11 training on hiring procedures?

12 A. One on one training, not
13 formal training, not formal classroom
14 training, one on one training. As I told
15 you earlier in my testimony that if we
16 were in a center and we were interviewing
17 we would bring the center manager in with
18 us, it's a way to start to prepare them
19 for the next position so that as we have
20 positions available we're already in a
21 pre-grooming stage. So yes, they would
22 have been taught things along the way but
23 not as part of their necessary job
24 description but as part of their future

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1 into their area supervisor position and
2 would be taking on more of the
3 responsibility.

4 Q. Okay, let's go back to the
5 training for the area supervisors that
6 you were just discussing. When did that
7 start occurring?

8 A. Somewhere in the time after
9 Karen came in with us. So it had to be
10 after we were LA, sometime after '97, I
11 couldn't tell you exactly when.

12 Q. Did you ever attend such a
13 training?

14 A. I was an area prior to LA so
15 no, I did not have that formal training
16 with Karen that I did with Loraine.

17 Q. And at that point in '97 you
18 were supervising-- you were responsible
19 for area supervisors?

20 A. Once I became a regional
21 supervisor I was responsible for area
22 supervisors.

23 Q. And do you recall your area
24 supervisors attending a training?

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1 A. I do.
 2 Q. Do you remember when that
 3 was?
 4 A. I'm sorry, no. We had these
 5 on an ongoing basis. Every few months we
 6 had what we called an area supervisor
 7 basic training that we held at corporate
 8 and we flew our employees in or they
 9 drove in and they attended training.
 10 Q. So every three months all
 11 the area supervisors at the company flew
 12 in and had training?
 13 A. New hires.
 14 Q. New hires?
 15 A. Right. And that's roughly
 16 every two or three months give or take.
 17 We try to do it with a time period.
 18 However, prior to that they were still
 19 given training on how to hire before they
 20 went to supervisor.
 21 Q. By who?
 22 A. By their immediate
 23 supervisor.
 24 Q. And how do you know that,

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1 did you see that?
 2 A. I was their area supervisor.
 3 I was a regional.
 4 Q. Oh, because you were doing
 5 it yourself?
 6 A. Sure.
 7 Q. So you actually conducted
 8 trainings?
 9 A. I taught my areas, my areas
 10 were used to hiring from me, from when
 11 they were managers. Again, most of them
 12 came up through the ranks with me, they
 13 worked very closely with me, I trained
 14 them to be ready to move into those
 15 positions, so we would have been doing
 16 hiring all along the way.
 17 Q. So as far as your people
 18 that you supervised you would basically
 19 say that the training that they received
 20 regarding hiring procedures was what you
 21 gave them on an informal basis on a
 22 day-to-day basis?
 23 A. Okay, I need you to repeat
 24 that because I didn't hear the first of

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1 what you said.
 2 Q. Okay. You're talking about
 3 communicating procedures et cetera with
 4 regard to hiring to your staff?
 5 A. Correct.
 6 Q. And I'm asking you that, I'm
 7 asking whether the type of training that
 8 your staff received other than the two
 9 trainings you talked about with the
 10 center manager coming and the new hires
 11 coming for the area supervisors, all
 12 other training regarding hiring
 13 procedures would have come from you?
 14 A. Myself or Karen would still
 15 do conference calls on it. Whenever we
 16 got together as a company hiring would be
 17 discussed. So again, it was an ongoing
 18 process, it wasn't a one shot deal.
 19 Because I said earlier, this was drilled
 20 into our heads all along the way.
 21 Q. I'm sorry, you said --
 22 MS. QUINLAN: Could you go
 23 back and read that back.
 24 (The court reporter read the

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1 pertinent part of the record.)
 2 BY MS. QUINLAN:
 3 Q. You said about whenever we
 4 got together as a company, what does that
 5 mean?
 6 A. We had different
 7 conventions. We usually have an annual
 8 convention in Las Vegas, we have summer
 9 conferences for supervisors. This
 10 started out back in '98. Karen was one
 11 of our-- it was one of our first
 12 conferences and Karen spoke on hiring.
 13 Q. And when was that, '98?
 14 A. Yes, October of '98.
 15 Q. You also talked about phone
 16 calls or conferencing, what would that
 17 entail with Ms. Siegel?
 18 A. Ongoing training, I would,
 19 if I felt that there was any needs within
 20 the market to provide additional
 21 training, to provide refreshers, to go
 22 over procedures, Karen would usually
 23 conduct the conference calls for us. And
 24 we would put the new-- any time we had

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1 new supervisors if they couldn't attend a
2 supervisor basic course Karen would get
3 on a conference call with them, explained
4 the policies and procedures to them and
5 go through the whole thing. They also
6 received an HR binder from the human
7 resources department with everything in
8 it that they needed.

9 Q. So these trainings that
10 you're talking about, they weren't
11 specifically on hiring procedures but
12 they included hiring procedures, they
13 included all other aspects of their
14 employment and responsibilities of their
15 positions; would that be right?

16 A. No, that wouldn't be right.
17 Some trainings were strictly-- if I put
18 Karen on-- asked Karen to get on a
19 conference call with supervisors the
20 agenda for that conference call would
21 specifically be hiring. Karen wouldn't
22 be involved in the day-to-day business of
23 what we did.

24 Q. How often did you do that?

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1 A. If I had new supervisors
2 that couldn't attend trainings usually I
3 didn't let 30 days go by or I tried not
4 to let 30 days go by without a new
5 supervisor getting on a conference call
6 with Karen but they did receive an HR
7 binder prior to that.

8 Q. And those were the
9 individuals who couldn't attend the area
10 supervisor training?

11 A. Some of them didn't need the
12 basic training. Correct, some of them
13 came in with a very high skill level or
14 were promoted through the ranks so they
15 didn't need the basics of teaching them
16 other aspects of the business. They
17 still need the time with Karen for HR so
18 she would have a conference call with
19 them.

20 Q. So there were determinations
21 made that is someone came in as a new
22 hire based on their level of experience
23 was presented to you that they wouldn't
24 have to go through the general training

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1 that was given by Ms. Siegel --

2 A. No.

3 Q. --new hires?

4 A. No, you have it confused.

5 Our area supervisor training included how
6 to reach your numbers, how to conduct
7 your business, how to do hiring. They
8 were days, every day was a different
9 agenda with how to conduct a meeting or
10 workshop. So there were a lot of aspects
11 to that training. Hiring was a piece of
12 the training. Now if I had somebody
13 promoted through the ranks certainly they
14 could read their numbers, they knew how
15 to conduct the meeting and workshop but
16 we still never took for granted that
17 they-- and denied them this piece of the
18 training, so they still received that
19 even if they were with us while we were
20 hiring they had it informally in the
21 field.

22 Q. What about outside hires?

23 A. Outside hires usually would
24 need all of that. They would need the

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1 whole class.

2 Q. There wasn't an instance
3 where you would have an outside hire and
4 they wouldn't need to go through this
5 generalized training you had talked
6 about?

7 A. Regardless with the hiring
8 experience they came in with, they would
9 always need to talk with Karen in regards
10 to our hiring practices.

11 Q. How about this-- did they
12 need to go to this other general training
13 though, new hires?

14 A. Again, it depended. If we
15 were brought somebody in from another
16 industry, suppose we hired someone from
17 Jenny Craig, they know the business, they
18 know how to read their numbers, they know
19 how to do a lot of those things already,
20 so we would make a judgment call at that
21 point whether they needed our basic, but
22 they still needed our hiring even if they
23 knew how to read our numbers.

24 Q. Okay. Are there any records

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1 that show that these particular
2 individuals engaged in this training
3 telephonically?

4 A. I didn't keep any records.

5 Q. Were there any materials
6 given to these people who were engaged in
7 this training telephonically?

8 A. They would have had their
9 human resources binder, with human
10 resources information about policy, the
11 phone screen guide with applications,
12 with everything that they needed.

13 Q. Upon hire they would have
14 received these materials?

15 A. HR usually mailed it out for
16 them.

17 Q. Now with regard to yourself
18 we were talking about before that your
19 knowledge of the business and the hiring
20 procedures was basically through your
21 relationship with your supervisors in
22 discussing it and other managers; would
23 that be right?

24 A. No. I just said I had

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1 trainings too.

2 Q. What trainings did you have?

3 A. Didn't we just-- we went
4 through all of these staff meetings and
5 workshops and I used to have all of them
6 on hiring.

7 Q. You told me that you would
8 have manager meetings and it would be
9 discussed.

10 A. Maybe we're talking about
11 two different time frames.

12 Q. Yes, that may be. That may
13 be right.

14 A. Why don't you tell me
15 exactly what time frame you're talking
16 about with me.

17 Q. Okay. Prior to the time
18 that you became a regional manager?

19 A. So I'm area supervisor?

20 Q. Yes. Prior to that time
21 your exposure or knowledge to hiring
22 procedures were through your interactions
23 and conversations with your supervisors;
24 would that be accurate?

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1 A. Yes. Loraine trained me in
2 all aspects of the business, sales,
3 service, hiring, all aspects of the
4 business.

5 Q. And after that period of
6 time when you became a regional manager,
7 did you receive any training as a
8 regional manager on hiring procedures?

9 A. And again, I guess I'm hung
10 up on the thing of training, are you
11 calling training a formal thing, we all
12 go into a classroom for four hours, are
13 you talking training here's our new
14 materials, here's how you use them --

15 Q. I'm talking about --

16 A. --go from there?

17 Any time we produce new
18 materials we always went over them.

19 Q. Let's go back to the first
20 one, maybe we're getting confused between
21 formalized and a general discussion of
22 materials.

23 A. Yes. Yes.

24 Q. So after you became the

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1 regional manager you didn't go to what we
2 would call a formalized training, in
3 other words, sit down a whole day, here's
4 the materials and all you would discuss
5 with other management officials would be
6 hiring procedures?

7 A. If we came up with a
8 different interviewing guide it may be an
9 all day meeting.

10 Q. Do you have a recollection
11 of an all day meeting? I don't want like
12 maybe or you thought or you should have,
13 I'm trying to get what you recall. I'm
14 not-- I'm not faulting you for not being
15 able to remember it's a long time ago.

16 A. It's a long time.

17 Q. And it's a lot of things. I
18 just don't want you to speculate I guess.

19 A. I can't give you exact
20 dates. I can tell you I was trained, I
21 can tell you what forms, I can tell you
22 what paperwork. I can tell you what
23 conference calls. I can't give you exact
24 dates, times, who attended, I can't give